

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PAUL C. CULLOM, JR., et al.,)	
)	
Plaintiff,)	CASE NO. CV06-1573 MJP-MJB
)	
v.)	REPORT AND
)	RECOMMENDATION
)	
WILLIAM H. GATES, III, et al.,)	
)	
Defendants.)	
_____)	

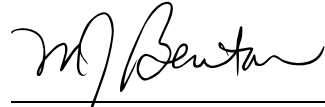
Plaintiffs, appearing *pro se*, filed an application to proceed *in forma pauperis* (IFP) in this 42 U.S.C. § 1983 action. Dkt. No. 2. Pursuant to 25 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed IFP and should dismiss an action if, among other things, it is frivolous or the complaint fails to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915 (e)(2)(B)(i)-(ii); *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). An action is frivolous if “it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). By minute order (Dkt. No. 3) on December 6, 2006, this Court informed plaintiff’s of deficiencies in the application and there has not been a corrected application filed.

Here, Plaintiffs’ complaint also fails to state any facts to place defendants on notice of the nature of their claims or to otherwise provide any basis for jurisdiction in this Court. *See* Fed. R. Civ. P. 8(a). Moreover, if any plaintiff files numerous frivolous or malicious complaints, the court may bar them from proceeding IFP in this court. *See*

1 *Delong v. Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar order
2 requirements).¹

3 Because of deficiencies in Plaintiffs' IFP application and complaint, their request
4 to proceed IFP should be DENIED and this action DISMISSED without prejudice. *See*
5 28 U.S.C. § 1915(e)(2)(B). A proposed Order of Dismissal accompanies this Report and
6 Recommendation. If Plaintiffs believe that the deficiencies outlined herein can be cured
7 by an amendment to their complaint, they should lodge an amended complaint as a part
8 of their objections, if any, to this Report and Recommendation.

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10 Dated this 30th day of January, 2007

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13 MONICA J. BENTON
14 United States Magistrate Judge
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23 ¹ The Court notes that plaintiff Cullom is a prolific litigator who has filed five similar lawsuits in
24 the past six months against various private citizens, governmental officers and attorneys in this district.
25 *See, e.g., Cullom et al. v. Doe et al.*, C06-957-JCC; *Cullom v. City of Kent*, C06-1655-JLR; *Cullon v.*
26 *Gates*, C06-1564-RSM; and *Cullom v. Gates, et al.*, C07-61-JPD . Indeed, a strikingly similar action
previously filed by plaintiff in this district was dismissed on grounds similar to those recommended by the
Court today. *See Cullom*, C06-957-JCC, Dkt. No. 15. (dismissing case for failure to comply with court's
order to show cause and failure to meet the requirements of Rule 8).